REMARKS

Applicant thanks Examiner Greene for his careful attention to this application and respectfully requests reconsideration of the application identified above. Claims 1-29; 38-45 and 51-54 are cancelled. Claims 30 and 46-48 have been amended.

I.   Request to Withdraw Final Rejection

The Examiner stated in the January 18, Office Action:

> [A] new ground(s) of rejection is made in view of Davis et al. U.S. Patent 5,937,160 necessitated by the new limitation introduce in the new claims i.e. receiving an email and parsing the email text to create a variable.

Jan. 18, 2005 Office Action at P. 2.

The original claims in this case were directed to a general method of updating of a web site. However, there were specific claims directed to the use of email to update a web site. (See previous claims 6 and 7). After the first Office Action, the claims were rewritten to focus on the use of email to update a web site.

MPEP 706.07(a) states:

> A second or any subsequent action on the merits in any application or patent involved in reexamination proceedings should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed. See MPEP § 904 et seq. For example, one would reasonably expect that a rejection under 35 U.S.C. 112 for the reason of incompleteness would be replied to by an amendment supplying the omitted element.

Original claim 1 said, "A method of changing the programming code for a web site comprising: receiving a request..." Original claim 6 said, "The method as defined in claim 1

comprising sending an e-mail." Original claim 7 said, "The method as defined in claim 1 wherein said request comprises an e-mail." Thus, the original claims clearly included the concept of using an email to modify a web site.

Thus, the limitations referred to by the Examiner as a basis for issuing a final rejection were already present in the claims. The original claims could have been amended to simply incorporate claims 6 or 7 into claim 1. For clarity, new claims were written. The prior art found by the Examiner is Davis et al (U.S. Patent 5,937,160) is directed exclusively to the updating of a web site by way of email, and thus would have been very pertinent to original claims 6 and 7.

Therefore, Applicant respectfully requests that the Final Rejection be withdrawn.

II.   Prior Art Cited by Examiner Greene

The Examiner cited Davis et al (U.S. Patent 5,937,160) in rejecting the claims.

Davis et al shows a system and method for updating a web site. An email is created. The "TO" address of the email contains the ".com" location of the site. Thus, if the "TO" address of the email was "rpm@domain.com", the web site would be "domain.com". The subject field of the email contains the a source file to be modified. When a message is received, the email is authenticated by use of a configuration file, shown in FIG. 8. The configuration file also identifies a placeholder tag or "port" (such as <RPM> or <RPM2>) within the source file. The source file is accessed, and the placeholder tag is replaced with the contents of the body of the email. The modified file is then stored in a browser accessible portion of the web site. Col. 16, lines 61-67.

If a web page has multiple ports, text files are associated with each port. Whenever a modification is received for any one port, the text file associated with that port is modified. The

source file is then accessed. Each port within the source file is then replaced with the contents of

the associated text file, whether or not the text file has been modified. Col. 11, lines 5-12.

To modify two separate portions of a web page, two different emails must be

generated directed to two different ports. There is no method disclosed to modify multiple portions

of a web site by way of a single email. There is no method shown for adding or deleting web pages.

III.   The Claims

MPEP states:

A claim is anticipated only if each and every element as set forth in
the claim is found, either expressly or inherently described, in a single
prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*,
814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). >"When a
claim covers several structures or compositions, either generically or
as alternatives, the claim is deemed anticipated if any of the structures
or compositions within the scope of the claim is known in the prior
art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376
(Fed. Cir. 2001) (claim to a system for setting a computer clock to an
offset time to address the Year 2000 (Y2K) problem, applicable to
records with year date data in "at least one of two-digit, three-digit, or
four-digit" representations, was held anticipated by a system that
offsets year dates in only two-digit formats). See also MPEP §
2131.02. "The identical invention must be shown in as complete detail
as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868
F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The
elements must be arranged as required by the claim, but this is not an
ipsissimis verbis test, i.e., identity of terminology is not required. *In re
Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Note that, in
some circumstances, it is permissible to use multiple references in a
35 U.S.C. 102 rejection. See MPEP § 2131.01.

Claim 30 as amended requires determining from the variable list a request type, the

request type indicative of a type of modification to the web site. The system shown in Davis et al

does not create a variable list and does not determine a request type from the variable list.

The Davis et al system receives an email. If the email is from an authorized sender, then the text body of the email is used to modify a web page on the web site. The system does only a single type of task: change web pages. It cannot delete or add web pages. All emails used in the Davis et al system modify web pages. Thus, it never determines a request type as defined by claim 30 because it has no need to do so.

New claim 55, dependent upon claim 30, requires that if the request type is for a change to web pages, then a programming code segment is created from the variable list and incorporated into the programming code for the first web page. The Davis et al. patent does not have a request type, and thus does not show any type of method involving determining a request type.

New claim 56 says that if the request type is to delete the first web page, then deleting the first web page from the web site. The system show in Davis et al. is incapable of deleting web pages.

New claim 57 allows the system to add web pages. The Davis et al patent system has no such ability.

Independent claim 46 is allowable for the same reason as claim 30--Davis et al. does not show a system where a request type is determined from the variable list. Every email received by the Davis et al. system is to modify a web page. No provision is made to add or delete web pages.

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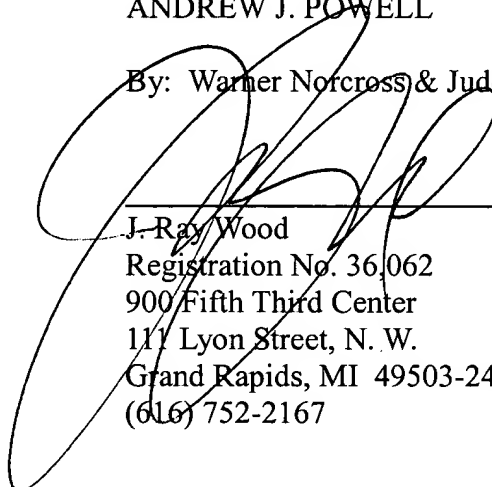Serial No.   : 09/955,373
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CONCLUSION

In view of the above amendments and these remarks, Applicants respectfully submit that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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